

REMARKS

Claim 1 is amended. New claims 7-8 are presented. Claims 2-3 are cancelled. The amended and new claims are fully supported by the application as originally filed, and no new matter is added.

Claims 1-3 and 5 are rejected under 35 U.S.C. §102(b) as being anticipated by Asou et al. (US 6,120,370). Applicants traverse the rejection to the extent that it can be maintained. Claims 2-3 are cancelled.

The applicants' invention provides a structure wherein an air conditioning duct is disposed in lateral (right and left) direction in a space defined by a cross member and a floor panel. The duct extends along a back surface of the cross member and opens into the passenger compartment through the cross member (e.g. figure 6). This structure protects the duct enabling the duct to be made from lightweight material having a relatively low rigidity. Further, the structure provides for space saving so that overhead clearance can be provided for passengers in a third row seat without raising the height of the vehicle.

Asou et al. fail to disclose an air conditioning duct arrangement as claimed. Specifically, with reference to figure 4, the extended duct 14 of duct 6 is disposed along a front side of a cross member 22 and does not at any point pass through the cross member. Claim 1, as amended, expressly recites that the duct extends along the back surface of the cross member and opens into the compartment through the cross member. As this structure is not disclosed by Asou et al., Asou et al. do not anticipate claim 1. Claim 5 depends from claim 1, and therefore, is likewise not anticipated by Asou et al. Applicants respectfully request that the rejection be withdrawn.

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable of Asou et al. in view of the Japanese patent. Applicants traverse the rejection to the extent that it can be maintained.

It is unclear to the applicants which of the three Japanese patents listed on form 1449 are referred to by the Office Action. Nevertheless, none of the combinations of Asou et al. and Japanese patents disclose the structure as claimed. Claim 4 depends from claim 1 and incorporates all of the limitations of claim 1. As explained above, the claimed structure provides a duct along the backside of a cross member and opens into the passenger compartment through

the cross member. Applicants submit that none of the combinations teach or suggest this structure. Applicants respectfully request that the rejection be withdrawn.

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable of Asou et al. in view of Upham, III (US 5,984,774). Applicants traverse the rejection to the extent that it can be maintained.

Claim 6 depends from claim 5 that in turn depends from 1 and incorporates all of the limitations of claims 5 and 1. As explained above, the claimed structure provides a duct along the backside of a cross member and opens into the passenger compartment through the cross member. Applicants submit that the combination of Asou et al. in view of Upham, III fails to teach or suggest the entire structure as claimed. Applicants respectfully request that the rejection be withdrawn.

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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